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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,095	11/20/2003	Edward Lita	64433-5001	8916

24574 7590 09/26/2006

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LOS ANGELES, CA 90067

EXAMINER
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PHU, SANH D

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/719,095	LITA, EDWARD	
	Examiner	Art Unit	
	Sanh D. Phu	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/20/03</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The IDS filed 11/20/2003 has been considered and recorded in the file.

However, The information disclosure statement filed 11/20/2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The following documents ha not been considered:

-JP 2001-251407

-JP2001-189614

-JP-07154120

-JP-06085730

*Claim Rejections – 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 54–57, 59, 60, 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al (US 2004/0203501).

Regarding to claim 54, Johnson et al a cellular telephone (10),  
comprising:

a housing (14)(Fig. 1) having an aperture (34, closed loop); and

a transceiver (telephone circuit , 16) enclosed in said housing (14)(Fig. 1

and 2 and text portion).

Regarding to claim 55, Johnson et al the cellular telephone further comprising a loop (element 12 in Fig.2, the element could be strap loop or ring, see section [0015], lines 4–5) linked to said housing through said aperture (see Fig. 2).

Regarding to claims 56 and 57, Johnson et al the cellular telephone wherein said loop is a keychain ring (element 12 in Fig.2, the element could be strap, loop, or ring, see section [0015], lines 4–5).

Regarding to claim 59, Johnson et al a cellular telephone, comprising:  
a housing (14) having an aperture (34, closed loop)(Fig. 1);  
a transceiver (telephone circuit , 16) enclosed in said housing (14); and  
a key chain ring (element 12 in Fig.2, the element could be strap loop or ring, see section [0015], lines 4–5), linked to said housing through said aperture (see Fig. 1 and 2 and text portion).

Regarding to claim 60, see Fig. 1 and 2 and text portion, Johnson et al a method of carrying a cellular telephone (10)(Fig. 1), comprising:

providing a cellular telephone having a transceiver (16) and a housing (14), wherein said housing has an aperture(34);

linking a key chain ring (12) through said aperture of said housing; and  
linking a device to said key chain ring (element 12 in Fig.2, the element could be strap loop or ring, see section [0015], lines 4-5).

Regarding to claim 62, Johnson et al the method wherein the device is selected from a group consisting of a belt, belt loop, strap, handle, hook, band, key chain clip, line and chain (element 12 in Fig.2, the element could be strap loop or ring, see section [0015], lines 4-5).

Regarding to claim 63, claim 63 is rejected with a similar reason as set forth in claim 60 and 62.

### *Claim Rejections – 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 58 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al.

Regarding to claims 58 and 61, Johnson et al disclose the size of the aperture is able to link to the ring as claimed, however, Johnson et al fails to disclose the size of said aperture is between the range of  $\{ \text{fraction } (1/16) \}$  in. and  $1/2$  in.

It would have been obvious for one skilled in the art at the time of the invention was made to modify the size of aperture in the range  $(1/16-1/2$  in), since it has been held that where the general condition of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M–Th from 7:00–17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D. Phu  
Examiner  
Division 2618

**SANH D. PHU**  
**PATENT EXAMINER**

9/19/06  
